

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID T. COOPER

v.

REGINALD ROBERTS, et al.

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CIVIL ACTION

NO. 08-346

ORDER

AND NOW, this 16th day of September, 2009, upon consideration of Defendants Reginald Roberts, Dennis Powell, Barry L. Grimm, Raymond J. Havrilak, and Steven L. Hatfield's motions for summary judgment (Doc. Nos. 48, 54, and 56) and the responses filed in opposition, it is hereby **ORDERED** that Defendants' motions are **GRANTED IN PART** and **DENIED IN PART**, as follows:

- Plaintiff's claim under the Eighth Amendment is dismissed;
- Plaintiff's claim for excessive force under the Fourteenth Amendment is dismissed;
- All of Plaintiff's claims against Powell in his official capacity are dismissed;
- Plaintiff's claim for unlawful search of his residence is dismissed;
- Plaintiff's claim for false arrest is dismissed;
- Plaintiff's equal protection claim is dismissed;
- Plaintiff's claim for stolen property is dismissed; and
- Plaintiff's claims for excessive force against Roberts and for the failure to intervene to prevent excessive force against Grimm, Havrilak, Hatfield, and Powell, in his individual capacity, shall proceed to trial.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.